



United States
Department of
Agriculture

Food and
Nutrition
Service

Mountain
Plains
Region

1244 Speer Boulevard
Denver, CO 80204

Reply to
Attn. of:

SP 94-C-22

NOV 8 1993

Subject:

Coordinated Review Appeal Procedures

To:

STATE AGENCY DIRECTORS
(Special Nutrition Programs)

Colorado ED, Iowa, Kansas, Missouri ED,
Montana OPI, Nebraska ED, North Dakota,
South Dakota, Utah, Wyoming ED

Attached are materials which outline appeal procedures as required by the National School Lunch Program Regulation Part 210.18 as part of the Coordinated Review Effort. The State agency can utilize these if they have not developed their own procedures. Every effort was made to provide user friendly materials which identify the required appeal procedures. We hope these materials will be useful to the State agencies.

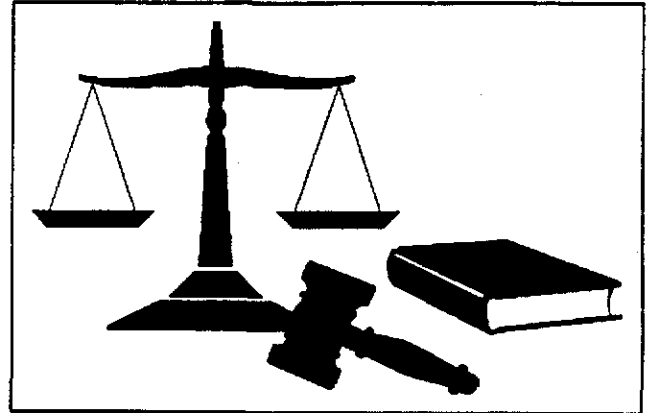
Ann C. Hector

ANN C. HECTOR
Regional Director
Special Nutrition Programs

Attachment

COORDINATED REVIEW EFFORT STATE AGENCY APPEAL PROCEDURES

School food authorities may appeal the denial of all or a part of a Claim for Reimbursement or withholding payment resulting from a State agency-conducted review under the auspices of the Coordinated Review Effort (CRE).



The appeal process outlined in 7 CFR §210.18(q) reads as follows:

- (1) The written request for a review shall be postmarked within 15 calendar days of the date the appellant received the notice of the denial of all or a part of the Claim for Reimbursement or withholding of payment, and the State agency shall acknowledge the receipt of the request for appeal within 10 calendar days;
- (2) The appellant may refute the action specified in the notice in person and by written documentation to the review official. In order to be considered, written documentation must be filed with the review official not later than 30 calendar days after the appellant received the notice. The appellant may retain legal counsel, or may be represented by another person. A hearing shall be held by the review official in addition to, or in lieu of, a review of written information submitted by the appellant only if the appellant so specifies in the letter of request for review. Failure of the appellant school food authority's representative to appear at a scheduled hearing shall constitute the appellant school food authority's waiver of the right to a personal appearance before the review official, unless the review official agrees to reschedule the hearing. A representative of the State agency shall be allowed to attend the hearing to respond to the appellant's testimony and to answer questions posed by the review official;
- (3) If the appellant has requested a hearing, the appellant and the State agency shall be provided with at least 10 calendar days advance written notice, sent by certified mail, return receipt requested, of the time, date and place of the hearing;

- (4) Any information on which the State agency's action was based shall be available to the appellant for inspection from the date of receipt of the request for review;
- (5) The review official shall be an independent and impartial official other than, and not accountable to, any person authorized to make decisions that are subject to appeal under the provisions of this section;
- (6) The review official shall make a determination based on information provided by the State agency and the appellant, and on Program regulations;
- (7) Within 60 calendar days of the State agency's receipt of the request for review, by written notice, sent by certified mail, return receipt requested, the review official shall inform the State agency and the appellant of the determination of the review official. The final determination shall take effect upon receipt of the written notice of the final decision by the school food authority;
- (8) The State agency's action shall remain in effect during the appeal process;
- (9) The determination by the State review official is the final administrative determination to be afforded to the appellant.

Appeals must be directed to: